

**CITY OF WEST LINN**  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
**September 21, 2023**

**SUBJECT:** Proposed Water Resource Area permit.

**FILE:** PA-23-18

**APPLICANTS PRESENT:**

**STAFF PRESENT:** Chris Myers (Planning), Lynn Schroder (Planning),

**PUBLIC PRESENT:** None

*These pre-application summary notes have been prepared for the applicant to identify applicable code sections and critical issues for the proposed application and summarize the application process and fees\*. Pre-Application summary notes are based on preliminary information and may not include all considerations. Contact the assigned planner for additional information regarding the process, approval criteria, submittal requirements, questions, and clarifications. Pre-Application Conference summary notes are valid for eighteen months from the meeting date. Once a complete application is submitted, the final decision can take 6-10 months.*

**SITE INFORMATION:**

Site Address: 18304 Shady Hollow Way  
Tax Lot No.: 21E14DA 03101  
Site Area: 0.921 Acres +/-, 40,110 Square Feet  
Neighborhood: Robinwood Neighborhood Association  
Comp. Plan: Medium Density  
Zoning: Residential R-4.5  
Zoning Overlays: None

**PROJECT DESCRIPTION:**

The applicant is interested in constructing a single-family home on the property.

**APPLICABLE COMMUNITY DEVELOPMENT CODE SECTIONS:**

Approval standards and criteria in effect when an application is **received** will be applied to the proposed development. The following Community Development Code (CDC) Chapters apply to this proposal:

- [Chapter 14: Residential R-4.5](#)
- [Chapter 32: Water Resource Area Protection](#)
- [Chapter 99: Procedures for Decision Making: Quasi-Judicial](#)

**KEY ISSUES & CONSIDERATIONS**

Staff has identified the following development issues, design considerations, or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of additional issues or considerations:

**Chapter 14: Residential R-4.5**

- The subject property is located in the Residential R-4.5 zone.
- 14.030 - A single-family attached residential unit is a permitted use
- 14.070 – Dimensional Requirements. Ensure setback requirements are met
- 14.090 – Other Applicable Development Standards

## **Chapter 32: Water Resource Area Protection**

- 32.020 Applicability – Ensure all requirements of this chapter are met within the application
- 32.030 Prohibited Uses – Take a look at Table 32-1 to ensure the proposed project meets the type of development requirements for chapter 32.
- 32.040 (F) Exemptions – May be possible for an exemption
- 32.050 Application – Ensure all criteria are met for the application
- **32.060 Approval Criteria (Standard Process) – Take a look at this chapter and at **Table 32-2 (B) Required Width of WRA**. The table shows the distance, for a ravine, from water resource to top of slope. Also see Figure 32-4. Staff calculates slope to be approximately 42%. Will need to have a survey to show proof of distance from top of slope and slope %.**
- 32.070 Alternate Review Process – *This section establishes a review and approval process that applicants can use when there is reason to believe that the width of the WRA prescribed under the standard process (CDC 32.060(D)) is larger than necessary to protect the functions of the water resource at a particular site. It allows a qualified professional to determine what water resources and associated functions (see Table 32-4 below) exist at a site and the WRA width that is needed to maintain those functions.*
- 32.080 Approval Criteria (Alternate Review Process) – Use this subchapter if utilizing 32.070 Alternate Review Process.
- 32.110 - The purpose of this section is to ensure that compliance with this chapter does not deprive an owner of reasonable use of land. To avoid such instances, the requirements of this chapter may be reduced. The decision-making authority may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. The burden shall be on the applicant to demonstrate that the standards of this chapter, including Table 32-2, Required Width of WRA, will deny the applicant “reasonable use” of their property.

## **Chapter 99: Procedures for Decision Making Quasi-Judicial**

- This chapter applies to the proposed application however, there is no need to address in the application. Good to read and understand the procedure, timelines, notice and appeal processes.

### **RESPONSE TO APPLICANT QUESTIONS:**

- Question 1 – Would like to build a single-family home on the property.
  - Staff Response – Based on the information provided and relevant code, if the applicant can keep the structure 50 feet from the top of the slope than no land use application is needed. Applicant will need a survey to prove dimensional standards are met including distance from top of slope. Applicant can also hire a geotechnical firm to prove that that the WRA can be reduced by 25 feet.
  - The patio on the proposed structure might be possible. See Table 32-1 for Deck and Patio.

### **PUBLIC COMMENT:**

No public comments were made during the pre-application conference.

### **ENGINEERING:**

The Engineering department did not have any comments or questions. For further details, contact Jameson Lumpkin at 503-722-4739 or [Jlumpkin@westlinnoregon.gov](mailto:Jlumpkin@westlinnoregon.gov).

### **BUILDING:**

For building code and ADA questions, contact Adam Bernert at [abernert@westlinnoregon.gov](mailto:abernert@westlinnoregon.gov) or 503-742-6054 or Alisha Bloomfield at [abloomfield@westlinnoregon.gov](mailto:abloomfield@westlinnoregon.gov) or 503-742-6053.

**TREES:**

For information on the tree requirements for this proposal, contact the Ron Jones, City Arborist at [rjones@westlinnoregon.gov](mailto:rjones@westlinnoregon.gov) or 503-722-4728.

**PROCESS:**

A Water Resource Area Permit is a Planning Director’s decision. No public hearing is required. Once the application is declared complete, staff will review the application, send a 14-day public comment notice, and post a notice sign on the property. When the comment period closes, the Planning Director will prepare a decision. A final decision can take 3-4 months.

After the Planning Director decides, there is a 14-day appeal period. If the decision is not appealed, the applicant may proceed with the development.

**NEIGHBORHOOD MEETING:**

No neighborhood meeting is required for a Water Resource Area Protection permit.

**HOW TO SUBMIT AN APPLICATION:**

Submit a complete application in a single PDF document through the [Submit a Land Use Application](#) web portal. A complete application should include:

1. A [development application](#);
2. A project summary outlining the scope of the project;
3. Full written responses to approval criteria in the identified CDC chapters;

**COMPLIANCE NARRATIVE:**

Written responses supported by substantial evidence must address all applicable approval standards and criteria. Written materials must explain how and why the proposed application will meet each applicable approval criteria. “Not Applicable” is not an acceptable response to the approval criteria.

Submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in writing, that the Planning Manager waive the requirement. The applicant must identify the specific grounds for the waiver. The Planning Manager will respond with a written determination about the waiver request before applying.

**APPLICATION FEES & DEPOSITS:**

The Planning Division Fee Schedule can be found on our website: <https://westlinnoregon.gov/finance/current-fee-schedule>

- FEE for a Water Resource Area Permit = \$2850

Applications with deposits will be billed monthly for time and materials. Please provide the name and address of the party responsible for the final invoice in your application.

**Timelines:**

Once the application and payment are received, the City has 30 days to determine if the application is complete. If the application is incomplete, the applicant has 180 days to complete it or provide written notice to staff that no other information will be provided. Once complete, the City has 120 days from the completeness determination to make a final decision on the application. Typical land use applications can take 6-10 months from beginning to end.

**\* DISCLAIMER:** *These pre-application notes have been prepared per [CDC Section 99.030.B.7](#). The information provided is an overview of the proposal considerations and requirements. Staff responses are based on limited material presented at the pre-application conference. New issues and requirements can emerge as the application is developed. Failure to provide information does not constitute a waiver of the applicable standards or*

*requirements. The applicant has the burden of proof to demonstrate that all approval criteria have been satisfied. These notes do not constitute an endorsement of the proposed application or assure project approval.*